**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**CRIMINAL REVISION APPLICATION No. 185 of 2005**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE RAVI R.TRIPATHI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**MESSRS CHITTARANJAN PETROLEUM CONCERN**
**Versus**
**RAGHUVIR TRADERS, A PARTNERSHIP FIRM,VRAJBHUSHAN HARIDAS AND ANOTHER**

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**Appearance :**
MR JD AJMERA for the Petitioner
MR AJ DESAI, ADDITIONAL PUBLIC PROSECUTOR for Respondent No.2

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**CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI**

**Date : 22/09/2006**

**ORAL JUDGMENT**

1. Present revision application is filed by Messrs Chittaranjan Petroleum Concern, through its proprietor and owner – Sanghvi Pramodrai Vinodchand against judgment and order dated 10.02.2005 in Criminal Case No.1056 of

1999 by the learned Judicial Magistrate First Class, Savarkundla.

This revision application is filed only against the sentence awarded and fine imposed, as according to the petitioner, same are inadequate. It is prayed that the maximum sentence be awarded to respondent accused No.1 and fine of Rs.4 lacs be also imposed, i.e. twice the amount of the cheque in question.

2. Mr.A.J.Desai, learned Additional Public Prosecutor points out that this respondent No.1, i.e. Raghuvir Traders, a partnership firm and its partner Shri Vrajbhushan Haridas Suchak have filed an appeal before the Court of Sessions against this very judgment and order dated 10.02.2005 being Criminal Appeal No.8 of 2005.

The learned Additional Public Prosecutor submitted that it will be in the fitness of things if both the proceedings are heard by the Court of Sessions.

3. That being so, in view of the judgment of this Court in the matter of **MAHENDRABHAI RAVJIBHAI PATEL VS. AMBALAL PRABHUDAS PATE**, reported in 2004 (3) GLH 747, whereby this Court decided that the Court of Sessions can exercise powers vested with it including powers of enhancement, this revision application is transferred to the Court of Sessions Amreli. The learned judge shall

hear and decide both the proceedings together. Revision Application is disposed of. Rule is discharged.

**(RAVI R.TRIPATHI, J.)**

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